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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR-11-00737- LHK
12 Plaintiff,)
13 vs.) **STIPULATION TO CONTINUE
14 SALVADOR THOMAS-PEREZ,) HEARING TO NOVEMBER 30, 2011 at
15 Defendant.) 10:00 a.m.**
16

17 **STIPULATION**

18 The parties, Salvador Thomas-Perez and the government, acting through their respective
19 counsel and subject to the Court's approval, stipulate that the hearing date currently set for
20 November 9, 2011, be vacated and that the Court set a new hearing date on November 30, 2011,
21 at 10:00 a.m. Counsel for Mr. Thomas-Perez will be in trial on November 9, 2011, before the
22 Honorable Ronald M. Whyte. The request for the continuance is also based on the parties
23 ongoing investigation and discussions which lead them to believe that the case will be resolved
24 without the need to hear the motion to dismiss, or for a trial. The continuance will enable the
25 parties sufficient time to resolve the case without trial.

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The parties further agree and stipulate for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and (B)(iv) that time should be excluded from November 9, 2011 through and including November 30, 2011, to provide continuity of counsel and to provide defense counsel further time to prepare.

Accordingly, Mr. Thomas-Perez and the government agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and the defendant in a speedy trial.

Dated: November 4, 2011

/s/
Manuel U. Araujo,
Assistant Federal Public Defender

Dated: November 4, 2011

/s/
Ann Marie Ursini,
Special Assistant United States Attorney

[PROPOSED] ORDER

WHEREFORE, based on the above, the COURT HEREBY ORDERS that the hearing currently scheduled on November 9, 2011, is continued to November 30, 2011, at 10:00 a.m., and further ordered that the period of delay from time from November 9, 2011, through and including November 30, 2011, is excluded for purposes of Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

SO ORDERED.

Dated: November 4, 2011

Lucy H. Koh
HONORABLE, LUCY H. KOH,
United States District Judge